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Subject: Weekly News from DESA, CASD and CWD....

**Division of Environmental Science and Assessment
Weekly News
March 31, 2016**

Potential or Expected Press Stories

Freedom of Information Requests of RA Interest

Travel/Meetings/Speaking Engagements for Division Directors

Anahita Williamson will be in Puerto Rico next week to participate in three meetings: 1) the Caribbean Science Consortium Quarterly Meeting on April 7th; the Regional Trash Free Waters Meeting on April 8th; and 3) Citizen Science work for the Puerto Rico National Monitoring Day on April 9th (in partnership with the San Juan Estuary Program).

Upcoming Highlights for the week (please provide a bulleted list)

Regional Applied Research Effort (RARE) Proposals-R2's Regional Science Liaison, Marie O'Shea, received 7 RARE proposals, including 4 on issues of concern to our Caribbean territories:

- evaluation of treatment and monitoring technologies in Non-PRASA communities;
- impacts of microplastics on corals;
- passive methods for munitions identification; and,
- the evaluation of long term effects of wastewater effluent discharge on coral communities.

Other proposals included: methods for identifying and quantifying microplastics in sediment; quantitative modeling of nutrients in Suffolk County, NY; and determining load reductions associated with street cleaning in the Lake Champlain watershed. Regional proposals will be reviewed by ORD, and then by the Regional Offices (anticipated in July-August).

Ex. 5 Deliberative Process (DP) on non-responsive topic

Drinking Water Laboratory Certification Audit - The Office of Ground Water and Drinking Water's Technical Support Center conducted an audit of the Region 2 Laboratory Certification Program March 21-24, 2016. The scope of the audit included a review of the Region's oversight of the state laboratory certification programs as well as the Region's certification of the state principal drinking water laboratories. There were no

findings from the audit, but there were a number of suggestions made for improvements to the program. We expect a draft report in 60 days.

3Ts Lead in Drinking Water Program – Bayonne, NJ Public Schools – This week’s sampling schedule is as follows: April 1(#10 Woodrow Wilson), April 6 (#8 Midtown Community), April 7 (#6 Horace Mann) and April 8 (#9 Washington Community).

The LAB will be accepting the following upcoming projects:

Pohatcong PCE – Superfund

Nitrate, Sulfate, Chloride (4 Aqueous Samples); BOD, TKN, Phenols, O&G, Flashpoint (2 Aqueous Samples) ; TDS, (5 Aqueous Samples); TSS, COD, Phosphorous (2 Aqueous Samples)

Matteo & Sons – Superfund

Metals + Hg (11 Solid, 2 Aqueous Samples)

Goose Farm – Superfund

SVOA+1,4,-Dioxane; VOA-Trace (12 Aqueous Samples)

Matlack, Inc. – Superfund

TDS, TSS (21 Aqueous Samples); Grain Size, TOC (11 Solid Samples); pH (11 Solid Samples)

Rocky Hill / Montgomery – Superfund

Metals(+Hg), TOC, TDS, TSS, Hardness: (2 Aqueous Samples)

VOA-Trace (7 Aqueous Samples); Sulfate: (2 Aqueous Samples)

Scorpio Recycling, Inc. – Superfund

NVOA, Metals+Hg (20 Solid Samples, 1 Aqueous Sample)

Hormigas – Superfund

Alkalinity, Ammonia, Sulfide, TDS, TSS, TOC (12 Aqueous Samples); MEE (17 Aqueous Samples); Nitrate + Nitrite, TKN, Sulfate, Chloride: (12 Aqueous Samples)

Puerto Rico National Monitoring Day - On April 9, 2016 more than 1,200 volunteers are expected to participate with an island wide event to measure water quality at over 150 sites throughout Puerto Rico by volunteers from 30 municipalities. This is part of a world-wide effort to gather data on water quality using citizen scientist efforts. This will be the 8th year of this program coordinated by the San Juan Bay Estuary Program. The data collected by the volunteers will be uploaded and become part of a global data set (www.worldwatermonitoringday.org/). Group leaders are trained to use a standardized water quality kit to measure Dissolved Oxygen, pH, Temperature, and Turbidity in weeks prior to the event and then pass this training on to their individual team participants. Prior governmental and NGO sponsors for this event included EPA Region 2 CEPD, PR Environmental Quality Board, the Jobos Bay National Estuarine Research Reserve, the Puerto Rico Water and Environment Association in addition to the lead of San Juan Bay Estuary Program.

EPA DESA is planning to provide technical assistance and training to examine another important water quality parameter as a pilot. Approximately 5 groups and 20 volunteers from the San Juan Bay Estuary watershed will collect samples for **bacteria analysis for Escherichia coli (E. coli)**, a common fecal bacteria found in sewage and animal waste. EPA DESA personnel will provide a classroom presentation on the importance of monitoring bacteria to protect human health and the types of methods that are typically used. In addition, EPA DESA will provide **Macroinvertebrate stream monitoring** training for volunteers will be used to promote the conservation of water quality in Puerto Rico. This involves an education component which teaches volunteers

stream invertebrate ecology, general habitat and water quality requirements, taxa identification, and use of macroinvertebrates as indicators of healthy or poor water quality throughout a few sites in Puerto Rico.

Clean Air and Sustainability Division

Weekly News

March 31, 2016

Other Items:

DERA Outreach for Puerto Rico stakeholders: MSS together with CEPD put together a presentation in Spanish that was based on the webinar presentation given by OTAQ on the Clean Diesel grant program. This presentation which is aimed at state and local government agencies, nonprofit organizations and private entities that can partner up with an eligible entity, will be given by CEPD and EQB at EQB's offices on Wednesday, March 30. The invitation was sent to various stakeholders in Puerto Rico, including prior participants of the Northeast Diesel Collaborative PR Committee and a number of municipalities.

Federal Register Approving Puerto Rico's Plan for Sludge Incinerators is Circulating for

Concurrence: A Federal Register approving Puerto Rico's State plan submitted to fulfill the requirements of CAA sections 111(d)/129 for sewage sludge incinerators (SSI) is circulating for concurrence. Puerto Rico's plan addresses the implementation and enforcement of EPA's Emission Guidelines applicable to existing SSI units. We did not receive any public comments on our proposed rule.

New Jersey 2nd CO Maintenance Plan published: On March 25, EPA published in the Federal Register a rulemaking notice proposing to approve New Jersey's 2nd CO maintenance plan for the New Jersey portion of the New York – Northern New Jersey – Long Island CO area.

Hudson Tunnel Project: Amtrak has let us know that they will be starting the NEPA process for the Hudson Tunnel Project in April 2016. According to Amtrak, the project area is between east of the Secaucus station in NJ and Pennsylvania Station in NY, and the project purpose and need is to provide two new tunnels to allow for the repair of the existing tunnels. Both Amtrak and NJ Transit are hoping to streamline the environmental assessment and permitting. The EIS scoping meetings will be held at the end of the April.

Ex. 5 Deliberative Process (DP) on non-responsive topic

Region 2 Grants Webinar and Availability Sessions in Puerto Rico: To assist potential applicants to the Pollution Prevention (P2) grant competition, two webinars were held last week. The first webinar was a national one, hosted by the Office of Chemical Safety and Pollution Prevention (OCSPP) that provided general guidance on preparing proposals, grant requirements and the use of Grants.gov. Following this national webinar, Region 2 hosted a regional webinar in order to provide specific guidance on regional priorities and answer questions from potential applicants. We discussed our regional priorities which are projects in Puerto Rico and the Virgin Islands. We highlighted the availability sessions held between March 29- 31 in collaboration with CEPD and our availability to meet with potential applicants to answer questions and provide guidance on our grant programs.

Sustainable Food Management: BioCycle announced this week its new FindAComposter.com website. This site includes a locator for organics collection services and anaerobic digesters throughout the country. Users can

log in to find a site to recycle food scraps, arrange for organics collection and buy compost. Users can also log in to list a composting or anaerobic digestion facility or organics collection service. All listings are verified by BioCycle.

Making a Visible Difference (MVD) Newburgh: CASD staff are working on food donation and composting matters with Newburgh schools.

Consultation with Tuscarora Nation: On March 24-25, staff from CASD and OSP met with NYSDEC and the Tuscarora Nation as part of the consultation on the expansion of the Chemical Waste Management landfill. EPA is consulting with the Nation on the TSCA permit and helping facilitate cooperation between the Nation and the State on the RCRA and Air permits.

Indian Point Energy Center (IPEC): The facility operator believes they have found the root cause of the January 16, 2016 tritium excursion, which appears to have come from an overflow in a sump that ran off to a drain area in a motor vehicle bay which was not connected to the liquid rad waste system. The final confirmation will come after the current scheduled outage at Unit No. 2.

**Clean Water Division
Weekly News
March 30, 2016**

Potential or Expected Press Stories

- Hoosick Falls PFOA

Contact from Elected Officials

- None

Freedom of Information Requests of RA Interest

- **Appeal of Freedom of Information Act Response for Pier 54:** EPA received an appeal to its response to a Freedom of Information Act covering documents from 11/4-11/24/2015. Although we provided all of the material previously, we will provide all the information in a different format.
- **Second Freedom of Information Act (FOIA) Response for Pier 54:** We are doing a final review of a second FOIA response on Pier 54. This request is for the period prior to 11/4/2015 and after 11/24/2015. We expect to complete the response by the due date of April 1.

Travel/Meetings/Speaking Engagements for Division Directors

- None

Indian Consultations Requested or Initiated

- None

National Oceanic and Atmospheric Administration (NOAA) Removes Objection to Permit for Pier 54: In a letter to the U.S. Army Corps of Engineers (USACE) dated March 24, 2016, NOAA stated that after obtaining additional clarifications and information from the USACE, it has no objections to the issuance of the permit for the construction of Pier 54 in the Hudson River. In its essential fish habitat (EFH) conservation recommendation, NOAA had previously recommended that the project not be authorized as proposed and that alternatives that minimize adverse impacts to EFH be analyzed and considered. NOAA states in its 3/34/26 letter that although the project as a whole will have some adverse effects on EFH, based on further information and clarification, it believes that impacts will be minimized. NOAA states that it now understands that the existing permit that was issued in 2000 is valid for the proposed project and that shading from the proposed project would be less than what was permitted in 2000. NOAA also states that placement of the new pier between the two pile fields preserves these pile fields as habitat for striped bass. Further, NOAA believes that best management practices during pile driving will minimize any construction related impacts and that the seasonal work restrictions will provide protection for winter flounder eggs and overwintering winter flounder

and striped bass, though it would not fully protect winter flounder larvae. As a result of this reevaluation, NOAA has removed its objection to the permit.

Regional Administrator (RA) Event for Worker Protection Standard: EPA promulgated the Agricultural Worker Protection Standard (WPS) in September 2015. The 2015 Standard updated the 1992 WPS to require more frequent worker pesticide safety training, set a minimum age (18) for pesticide application and handling as well as other provisions for record keeping and safety measures. The RA plans WPS events at Region 2 agricultural operations this spring. We will assist PAD in planning these events.

Ex. 5 Deliberative Process (DP) on non-responsive topic

Rochester Embayment Area of Concern/Braddock Bay Update: The channeling and potholing component of the Braddock Bay habitat restoration project has been completed. Aerial photos and movies taken by a citizen's drone of the channels and potholes can be viewed at: <https://drive.google.com/folderview?id=0ByndowVmQfdOcHQ3T1lfMkdzbDQ&usp=sharing>. A Braddock Bay public open house will be held on April 26 at the Braddock Bay Marina to inform the general public of progress on the project to date, construction plans for the barrier beach restoration set to begin later this year and general safety issues related to boating and wetlands. The U.S. Army Corps of Engineers (USACE) Buffalo District Office Commander and other USACE staff, along with EPA and New York State Department of Environmental Conservation staff, plan to participate in the event. Partners are also planning a fall 2016 event to celebrate the successful restoration of Braddock Bay's barrier beach. Senator Schumer's office will likely take the lead on this fall 2016 event.

Lake Champlain Basin Program (LCBP) Director to Retire in June, 2016: Bill Howland, the LCBP director, will retire in June after 17 years in that position. The LCBP director and staff are all employees of the New England Interstate Water Pollution Control Commission (NEIWPCC). NEIWPCC is advertising and filling the position; we and Region 1 are reviewing the position announcement.

Barnegat Bay Partnership: More than 300 volunteers, including representatives from the Barnegat Bay Partnership, volunteers with AmeriCorps New Jersey and Friends of Island Beach State Park, planted American beach grass plants at Island Beach State Park on March 26. The planting was part of the park's annual dune grass restoration efforts, and organizers said that a record 40,000 plants were planted this year, the most that has been planted at one time at the park. The planting location is at the most popular and visible area at the park and highlights the use of beach grass plants in stabilizing the dunes, storm surge protection and preventing erosion.

303(d) Program – USVI Draft List Released: On March 21, the USVI Department of Planning and Natural Resources released a Public Notice for its Draft 2016 303(d) list. Comments are due by April 4. The “*USVI_2016 303d List of Impaired Water Bodies DRAFT*” and the “*2016 303d List of Impaired Water Bodies Narrative DRAFT*” documents are available at <http://dpnr.vi.gov/environmental-protection/water-quality-management/>

EPA & NOAA Disapprove Oregon's Coastal Nonpoint Source Control Program - Oregon's Loss of Funds to Benefit Region: Under the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990, EPA is required to withhold 30% of a state's section 319 funds and NOAA is to withhold 30% of its section 306

funding from any state that does not submit an approved CNPCP program. EPA and NOAA have disapproved Oregon's program, and thus have cut 30% of Oregon's FY 2015 allocation. EPA and NOAA will continue to cut Oregon's funding each year until the state submits an approvable CZARA program. This cut from Oregon will be redistributed to the 22 states with approved CZARA programs, which includes all of Region 2. The FY15 additional funding amounts to \$33.6K per state, \$10K for most territories and \$20K for PR. States and territories must develop an FY 2016 grant work plan that reflects the additional funding. Also, the FY16 funds may also be available to award to approved states and territories this fiscal year which, would result in a doubling of the allocation. The additional section 319 funds may be used to implement the state or territory's NPS program and do not need to be limited to efforts in the coastal zone.

Bulkhead in Long Beach, NY – Applicant's Information Still Lacking: On September 9, 2015, the U.S. Army Corps of Engineers (USACE) issued a Public Notice regarding an application by the City of Long Beach, NY to construct a tall bulkhead along Reynolds Channel. Flooding associated with Hurricane Sandy severely damaged the central north shore of Long Beach and vulnerable utilities (sewage treatment, power, water) occur in the project area. The 2500-foot long project will include 1700 feet of steel sheeting. The fill material behind the bulkhead will convert 2.2 acres of intertidal shoreline and sand flat to upland. The applicant's alternatives analysis was inadequate and no mitigation had been proposed by the applicant. On October 29, 2015, we sent USACE a 404(q) 3a letter to obtain and review additional project information. After we met with the applicant and USACE on November 24, 2015, we still did not have enough project information and therefore sent a 404(q) 3b letter to USACE on December 15. On March 3, 2016, USACE provided us with the applicant's response document and requested informal comments. On March 17, we informed USACE that the applicant's discussion of alternate bulkhead alignments and its minimal proposed aquatic mitigation, remain unsatisfactory.

EPA LIS Nitrogen Strategy: On March 31, EPA Region 1 will meet with the Massachusetts Department of Environmental Protection on the proposed EPA Long Island Sound nitrogen strategy. We are scheduling public meetings in Stamford and LI in April. On April 4, EPA R1 and R2 will discuss the outcomes of state meetings and progress on specific tasks to carry out the strategy.

Long Island Sound - New York Request to Modify Total Maximum Daily Load (TMDL) Exchange Rates: On March 23, the NYSDEC sent a letter requesting adoption by Connecticut and EPA of the "exchange rates" calculated by the System Wide Eutrophication Model (SWEM) as replacements those from the LIS 3.0 model used in the TMDL. The revised exchange rates would support a nitrogen trade between the New York City Department of Environmental Protection and the Westchester County Department of Environmental Facilities. The change NYSDEC proposes would increase the value of credits purchased by Westchester County from New York City, which could be used by Westchester County to help comply with current effluent limits despite population growth. Any proposed technical amendment to the TMDL, however, would first need to be public noticed by NYSDEC. EPA would also have serious concerns about modifications to exchange ratios not done on a comprehensive basis, which could lead to allocations that do not achieve the same water quality improvements as the 2000 TMDL.

Plum Island: Members of the Connecticut and New York federal legislators participated in a press conference on March 25 to announce plans for a study that could advance efforts to protect Plum Island. The Congressional Appropriations subcommittee on Homeland Security has directed the Department of Homeland Security to work with the Environmental Protection Agency, the Department of the Interior and the General Services Administration on a study of options for long-term use of the island. This study is to consider environmental and historic resources, among other factors, in analyzing conservation options. It also requires that the Department of Homeland Security identify any needed legislative changes, costs and revenues to accomplish the conservation goal.

Long Island Sound - 2015 Point Source Nitrogen Reduction: The states of Connecticut and New York reported their 2015 annual point source nitrogen discharges from the 106 Long Island Sound treatment plants of 22,815 "equalized pounds" per day. New York reported an annual average of 14,437 equalized pounds/day

discharged and Connecticut reported 8,378 equalized pounds/day discharged, both reductions from their reported 2014 levels. Equalized pounds is a measure of the relative impact of a pound of nitrogen on a waterbody based on its distance from that waterbody. EPA's Strategic Plan target was to achieve a 91.5 percent reduction, and the combined totals represented a 99.8 percent reduction from the 1990s baseline, exceeding the Strategic Plan 2015 target. Overall, 41.8 million fewer pounds of nitrogen are entering the Sound annually now than in the early 1990s when the baselines were established.

Long Island Sound Futures Fund: The National Fish and Wildlife Foundation (NFWF) has released the 2016 Request for Proposals (RFP) (<http://www.nfwf.org/lisff/Pages/home.aspx>) for the Long Island Sound Futures Fund (LISFF). The RFP will close on May 5. The RFP is similar to years' past, but has been modified to incorporate priorities in the updated Long Island Sound Comprehensive Conservation and Management Plan 2015. The RFP priorities organized within the following themes: 1) Clean Water and Healthy Watersheds; 2) Thriving Habitats and Abundant Wildlife and 3) Educating to Engage Sustainable and Resilient Communities. NFWF will hold four workshops and one webinar to provide guidance to applicants on the RFP. Registration is available at the LISFF website. The RFP highlights citizen science and trash free waters, and we are actively promoting the RFP as a source of funding for proposals on these topics.

Long Island Sound Research Fund: On March 25, the Connecticut Sea Grant (CTSG) and New York Sea Grant (NYSG) announced the Long Island Sound Study (LISS) 2017-2019 extra-mural research program. The intent of this program is to fund research that will support the management of Long Island Sound (LIS) and its resources. Preliminary proposals are invited for the funding period of March 1, 2017 to February 28, 2019. Any investigator seeking support must submit a preliminary proposal via NYSG's electronic website for receipt by 5:00 p.m. EDT on Monday June 6, 2016. Approximately \$700,000 in funding is expected to be available for one or two-year projects. For more details, the RFP can be downloaded at <http://seagrant.uconn.edu/documents/2017lissrfp.pdf>.

National Ocean Policy: We attended the Mid-Atlantic Regional Planning Body (MidA RPB) meeting in Baltimore last week. The meeting was attended by its 16 federal, state, tribal, and fisheries management members, and engaged stakeholders in breakout sessions and two public listening sessions. This the final RPB meeting before finalizing the draft Mid-Atlantic Region Ocean Action Plan (OAP), which is scheduled for release in mid-June. The OAP is a strategy for federal, state and tribal collaboration on planning for Healthy Ocean Ecosystems and Sustainable Ocean Use in the MidA Region. The plans sets up actions and working groups to foster the interjurisdictional collaboration. The RPB scheduled five public listening sessions throughout the MidA region in July during the public comment period of the draft OAP. Two of those will be in Region 2 (one in New York and one in New Jersey). The MidA RPB established a firm timeline to deliver a final OAP to the National Ocean Council by late September, and to release a final OAP by December 31, 2016. We identified three areas for EPA focus: water quality actions, marine debris, and ocean acidification (Region 3 lead).

Long Island Sound Dredged Material Management: The comment period for the proposed amended Rulemaking for the Central and Western Long Island Sound Disposal Sites closed on Friday, March 25. The Connecticut Congressional delegation expressed concerns over the terms "practicable alternatives" and "reasonable incremental costs" and stated that some certainty regarding potential costs of maintenance projects must be included in the final rule. Connecticut Department of Environment and Energy is supportive of the rule. New York State (Department of State and Department of Environmental Conservation) requested, among other things, that the rule include demonstrated step-down reductions in quantities of materials disposed of in open water, and that the stated goal for dredged material must include "to reduce or eliminate open-water disposal of dredged material in Long Island Sound." They request that a steering committee be charged with establishing a baseline from which to measure how much dredged material has been disposed of over time. To insure that the reduction goal will be met, New York State requested a provision that, if there is an initial failure to reduce/eliminate over the next 10 years, the rule can be re-opened upon a petition to EPA. The U.S. Army Corps of Engineers has stated that the proposed rule could have a significant impact on federal navigation

projects, and that the rule threatens the viability of their dredging program by potentially adding significant costs to projects. The Department of the Interior requested that consultation take place with the Shinnecock Nation, and Region 2 is in communication with the Nation.